IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SULAIMAN MUSTAFA,   )
)
          Petitioner,   )
)
     v.   )   1:14CV39
)
FRANK L. PERRY,   )
)
          Respondent.   )

ORDER

This matter is before this court for review of the
Recommendation filed on August 8, 2014, by the Magistrate Judge
in accordance with 28 U.S.C. § 636(b). (Doc. 8.) In the
Recommendation, the Magistrate Judge recommends that
Respondent's Motion to Dismiss (Doc. 4) be granted, that the
Petition for Writ of Habeas Corpus (Doc. 1) be dismissed, and
that Judgment be entered dismissing this action. Petitioner has
filed a timely objection to the Recommendation. (Doc. 10.)

This court is required to "make a de novo determination of
those portions of the [Magistrate Judge's] report or specified
proposed findings or recommendations to which objection is
made." 28 U.S.C. § 636(b)(1). This court "may accept, reject,
or modify, in whole or in part, the findings or recommendations

made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

Petitioner specifically objected to the Magistrate Judge's proposed findings or recommendations. This court has reviewed the Recommendation as to these objections, and indeed in its entirety, and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation (Doc. 8) is **ADOPTED. IT IS FURTHER ORDERED** that that Respondent's Motion to Dismiss (Doc. 4) is **GRANTED,** that the Habeas Petition (Doc. 1) is **DENIED,** and that this action is **DISMISSED.** A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 6th day of January, 2015.

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William L. Osteen, Jr.
United States District Judge